



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Donald F. Nielson  
South Naknek Tribal Council  
South Naknek, Alaska 99670

Dear Mr. Nielson:

I appreciate your writing to me about our potential regulatory actions regarding the proposed Pebble Mine. To date we have received several letters from native villages, commercial fishing organizations, private individuals and others requesting that the Environmental Protection Agency (EPA) use its authority under Section 404(c) of the Clean Water Act to prevent the opening of the proposed mine. We have also received letters, like yours, from those who support proceeding through the federal and state permit processes before we would initiate a Section 404(c) action. We are interested in hearing all perspectives on this and all issues.

Congress created both the 404(c) process and the federal permitting process when it passed the Clean Water Act in 1972. The 404(c) process was created both as a check on the permitting process to ensure that aquatic resources that provide critically important economic and ecological functions are protected, and as a means for preventing the undue expense of engaging the permit process in places where aquatic resources are too important to risk. EPA is currently evaluating available information to determine whether such an action is warranted. Please be assured that initiation of a 404(c) process is not a decision to prohibit mining at the proposed Pebble Mine site, but a commitment to explore the issue. If we begin a 404(c) process we will conduct a public process that includes consultation with tribal governments and opportunity for the public to provide information and comment.

Please feel free to send us anything at any time that might inform our deliberation. We are interested in receiving any information that think might be helpful. Please call me or my staff with information or to discuss this issue further. Richard Parkin is the Acting Director of the Office of Ecosystem, Tribal and Public Affairs. His office is responsible for implementing Section 404(c) of the Clean Water Act. His phone number is (206) 553-8574. Patty McGrath is our Regional Mining Coordinator. You can discuss our policies regarding mining with her. Her phone number is (206) 553-0979. And Phil North is our ecologist for the Bristol Bay area. He is our expert on salmon and aquatic resources. He is located at the Kenai River Center in Soldotna, Alaska. His phone number is (907) 714-2483. We look forward to hearing from you.

Sincerely,

Dennis J. McLerran  
Regional Administrator